

REMARKS

Claims 1-35 are pending in this application. Claims 1, 13, 21, 22, and 24 have been amended to expedite prosecution on the merits. No new matter has been added.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 6, 9, 12, and 13

Claims 1, 6, 9, 12, and 13 stand rejected under 35 U.S.C. § 102(c) as being anticipated by United States Published Patent Application (USPPA) 2002/0147656 to Tam et al. (“Tam”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Tam fails to teach or suggest the features recited in amended independent claims 1 and 13. For example, regarding amended independent claim 1, Tam fails to teach or suggest at least a system for providing logistics for a sale of one or more goods adapted to present the buyer with the description of the one or more goods while maintaining the seller identity confidential from the buyer. Applicants submit that the e-commerce system of Tam does not maintain an identity of seller confidential from the buyer and that that there is no teaching or suggestion in Tam of providing such functionality. In fact, modification of the aggregator of Tam to provide seller confidentiality clearly would contrary to the principle operation of Tam which provides a catalog containing offers for sale by a number of retailers.

Tam also fails to teach or suggest a seller interface including one or more options to donate at least a portion of funds received in exchange for the one or more goods and transferring the portion of the funds for donation according to an option selection of the seller to a third party designated by the seller. Applicants submit that the e-commerce system of Tam does not provide any option to donate funds and that that there is no teaching or suggestion in Tam of providing such functionality. While the clearinghouse of Tam sends a portion of payments to the aggregator, such payments are not donations but rather payments for services provided by the aggregator to the seller.

Regarding independent claim 13, Applicants submit that Tam fails to teach or suggest at least providing a seller with one or more options for donating proceeds from a sale and, receiving an option selection including at least a portion of proceeds for donation and an identity of a third party that will receive proceeds from the sale, and transferring the portion of the proceeds for donation according to the option selection of the seller to the third party. Applicants submit that the e-commerce system of Tam does not provide any option for a seller to donate funds and that there is no teaching or suggestion in Tam of transferring proceeds for donation according to an option selection of the seller to a third party.

For at least the reasons set forth above, Applicants submit that independent claims 1 and 13 are allowable and that dependent claims 6, 9, and 12 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 1, 6, 9, 12, and 13.

Claims 21, 22, and 24

Claims 21, 22, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPPA 2002/0152130 to Salls (“Salls”). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Salls fails to teach or suggest the features recited in amended independent claim 21. For example, Salls fails to teach or suggest at least providing a first party with one or more options for donating proceeds from the raffle, receiving an option selection from the first party, and donating the proceeds from the raffle tickets to a third party in accordance with the option selection of the first party. Applicants submit that method of conducting an on-line raffle of Salls does not provide any option to donate proceeds from the raffle and that there is no teaching or suggestion in Salls of providing such functionality. As clearly stated in paragraph [0045] of Salls, relied upon by the Office Action, “the registrant is paid in full for the article.”

For at least the reasons set forth above, Applicants submit that independent claim 21 is allowable and that dependent claims 22 and 24 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 21, 22, and 24.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 2-4

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tam. Applicants respectfully traverse this rejection.

Applicants submit that dependent claims 2-4 are allowable by virtue of their dependency for at least the reasons discussed above with respect to amended independent claim 1, as well as on their own merits. Namely, Applicants submit that Tam does not disclose all of the recited features of amended independent claim 1 and that there is no teaching, suggestion, or motivation to modify Tam to include all of the recited features of amended independent claim 1. Therefore, Tam is insufficient to establish obviousness with respect to amended independent claim 1 as well as dependent claims 2-4.

Regarding dependent claims 2-4, Applicants remind the Examiner that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Accordingly, proper consideration of claims 2-4 on their merits is respectfully requested. Applicants submit that there is no teaching or suggestion in Tam that the aggregator could be defined as a charitable or nonprofit entity (claim 2), a political action committee (claim 3), or a fundraising entity (claim 4). In fact, defining the aggregator as such clearly would be contrary to the principle operation of Tam which sends a portion of payments to the aggregator for services provided to the seller.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 2-4.

Claim 5

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tam in view of United States Patent Number (USPN) 5,987,429 to Maritzen et al. (“Maritzen”).

Applicants submit that dependent claim 5 is allowable by virtue of its dependency for at least the reasons discussed above with respect to amended independent claim 1, as well as on its own merits. Namely, Applicants submit that Maritzen does not remedy the

deficiencies of Tam with respect to amended independent claim 1 and that there is no teaching, suggestion, or motivation to modify Tam or Maritzen to include all of the recited features of amended independent claim 1. Therefore, even if Tam and Maritzen could be combined, which Applicants do not admit, such combination is insufficient to establish obviousness with respect to amended independent claim 1 as well as dependent claim 5.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claim 5.

Claims 7, 10, 11, 14-17, and 20

Claims 7, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tam in view of USPN 6,496,809 to Nakfoor ("Nakfoor"). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tam in view of Nakfoor. Claims 15-17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakfoor in view of Tam. Applicants respectfully traverse these rejections.

Applicants submit that dependent claims 7, 10, and 11 are allowable by virtue of their dependency for at least the reasons discussed above with respect to amended independent claim 1, as well as on their own merits. Applicants submit that dependent claims 14-17 and 20 are allowable by virtue of their dependency for at least the reasons discussed above with respect to amended independent claim 13, as well as on their own merits. Namely, Applicants submit that Nakfoor does not remedy the deficiencies of Tam with respect to amended independent claim 1 or amended independent claim 13 and that there is no teaching, suggestion, or motivation to modify Tam or Nakfoor to include all of the recited features of amended independent claim 1 or amended independent claim 13. Therefore, even if Tam and Nakfoor could be combined, which Applicants do not admit, such combination is insufficient to establish obviousness with respect to amended independent claims 1 and 13 as well as dependent claims 7, 10, 11, 14-17, and 20.

Regarding dependent claims 15-17, Applicants remind the Examiner that "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Accordingly, proper consideration of claims 15-17 on their merits is respectfully requested. Applicants submit that there is no teaching or suggestion in Tam that the aggregator could be defined as a charitable or nonprofit entity (claim 15), a political action committee (claim 16), or a fundraising entity (claim 17). In fact, defining the aggregator as such clearly would contrary to the principle operation of Tam which sends a portion of payments to the aggregator for services provided to the seller.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejections of claims 7, 10, and 11, claim 14, and claims 15-17 and 20.

Claim 8

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tam in view of Salls. Applicants respectfully traverse this rejection.

Applicants submit that dependent claim 8 is allowable by virtue of its dependency for at least the reasons discussed above with respect to amended independent claim 1, as well as on its own merits. Namely, Applicants submit that Salls does not remedy the deficiencies of Tam with respect to amended independent claim 1 and that there is no teaching, suggestion, or motivation to modify Tam or Salls to include all of the recited features of amended independent claim 1. Therefore, even if Tam and Salls could be combined, which Applicants do not admit, such combination is insufficient to establish obviousness with respect to amended independent claim 1 as well as dependent claim 8.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claim 8.

Claims 18 and 19

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tam in view of Nakfoor and further in view of Maritzen. Applicants respectfully traverse this rejection.

Namely, Applicants submit that Nakfoor and Martizen do not remedy the deficiencies of Tam with respect to amended independent claim 13 and that there is no teaching, suggestion, or motivation to modify Tam, Nakfoor, or Maritzen to include all of

the recited features of amended independent claim 13. Therefore, even if Tam, Nakfoor, and Maritzen could be combined, which Applicants do not admit, such combination is insufficient to establish obviousness with respect to amended independent claim 13 as well as dependent claims 18 and 19.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 18 and 19.

Claim 23

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls in view of Nakfoor. Applicants respectfully traverse this rejection.

Applicants submit that dependent claim 23 is allowable by virtue of its dependency for at least the reasons discussed above with respect to amended independent claim 21, as well as on its own merits. Namely, Applicants submit that Nakfoor does not remedy the deficiencies of Salls with respect to amended independent claim 21 and that there is no teaching, suggestion, or motivation to modify Salls or Nakfoor to include all of the recited features of amended independent claim 21. Therefore, even if Salls and Nakfoor could be combined, which Applicants do not admit, such combination is insufficient to establish obviousness with respect to amended independent claim 21 as well as dependent claim 23.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claim 23.

Claims 25-32

Claims 25-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls. Applicants respectfully traverse this rejection.

Applicants submit that dependent claims 25-32 are allowable by virtue of their dependency for at least the reasons discussed above with respect to amended independent claim 21, as well as on their own merits. Namely, Applicants submit that Salls does not disclose all of the recited features of amended independent claim 21 and that there is no teaching, suggestion, or motivation to modify Salls to include all of the recited features of

amended independent claim 21. Therefore, Salls is insufficient to establish obviousness with respect to amended independent claim 21 as well as dependent claims 25-32.

Regarding dependent claims 25-27, Applicants remind the Examiner that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Accordingly, proper consideration of claims 25-27 on their merits is respectfully requested. Applicants submit that there is no teaching or suggestion in Salls of a third party comprising a charitable or nonprofit entity (claim 25), a political action committee (claim 26), or a fundraising entity (claim 27).

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 25-32.

Claims 33-35

Claims 33-35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Salls in view of USPPA 2001/0047290 to Petras et al. (“Petras”). Applicants respectfully traverse this rejection.

Applicants submit that dependent claims 33-25 are allowable by virtue of their dependency for at least the reasons discussed above with respect to amended independent claim 21, as well as on their own merits. Namely, Applicants submit that Petras does not remedy the deficiencies of Salls with respect to amended independent claim 21 and that there is no teaching, suggestion, or motivation to modify Salls or Petras to include all of the recited features of amended independent claim 21. Therefore, even if Salls and Petras could be combined, which Applicants do not admit, such combination is insufficient to establish obviousness with respect to amended independent claim 21 as well as dependent claims 33-35.

For at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 33-35.

Conclusion

It is believed that claims 1-35 are in condition for allowance. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Respectfully submitted,

KACVINSKY LLC



Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: December 5, 2007

4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-5529